

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JESSE LASLOVICH**, on March 29, 2007 at 8:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Jesse Laslovich, Chairman (D)
Sen. Aubyn Curtiss (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Gary L. Perry (R)
Sen. Jim Shockley (R)

Members Excused:

Sen. David E. Wanzenried (D)
Sen. Carol Williams (D)

Members Absent: None.

Staff Present: Carol Andersen, Committee Secretary
Valencia Lane, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 587, 3/26/2007; HB 299,
3/26/2007; HB 726, 3/26/2007; HB
768, 3/26/2007
Executive Action: HB 768; HB 310; HB 587; HB 322;
HB 300

HEARING ON HB 587

Opening Statement by Sponsor:

00:02:39 REP. DENNIS HIMMELBERGER (R), HD 47, opened the hearing on HB 587, Limit insurance stacking on motor vehicle policies.

Proponents:

00:06:50 John Metropoulos, Farmers Insurance Group

00:10:43 Jacqueline Lenmark, American Insurance Association

00:14:41 Mark Connolly, Farmers Insurance Group

00:17:27 Roger McGlenn, Independent Insurance Agents of Montana

EXHIBIT(jus67a01)

00:20:58 Former Rep. William Price, First West Insurance

00:22:59 Barry Stang, Executive Vice President, Montana Motor Carriers Association

00:24:32 Jason Todhunter, Montana Loggers Association

Opponents: None.

Informational Testimony:

00:25:19 Al Smith, Montana Trial Lawyers Association

00:25:55 Patrick Driscoll, State Auditor's Office

Questions from Committee Members and Responses:

00:26:24 Sen. Shockley to Al Smith

Closing by Sponsor:

00:27:13 Rep. Himmelberger

HEARING ON HB 299

Opening Statement by Sponsor:

00:28:48 REP. MIKE MILBURN (R), HD 19, opened the hearing on HB 299, Revise laws governing ski areas and passenger ropeways.

Proponents:

00:31:00 Peter Bovingdon, Montana Ski Areas Association

00:38:02 George Willett, Showdown Ski Area

00:46:48 Randy Elliott, Montana Ski Areas Association, & Bridger Bowl

00:49:41 Former Rep. Bill Price, Ski Areas Insurer

00:51:32 Mikel Moore, Kalispell Attorney

01:00:33 Simon Elston, Big Sky Board Sports

EXHIBIT(jus67a02)

01:05:49 Simon Perkins, Skiers

01:07:32 Aimee Grmoljez, Montana Innkeepers Association

Opponents:

01:08:58 Al Smith, Montana Trial Lawyers Association

EXHIBIT(jus67a03)

Informational Testimony:

01:30:04 Peter Pitcher, Owner/Operator of Discovery Ski Area

EXHIBIT(jus67a04)

Questions from Committee Members and Responses:

01:32:30 Sen. Jent to Mikel Moore

01:42:59 Sen. Jent to Al Smith

01:47:39 Sen. Shockley to Al Smith

01:49:04 Sen. Shockley to Mikel Moore
01:54:19 Sen. Perry to Peter Bovington
01:56:52 Sen. Perry to Mikel Moore
02:04:40 Sen. O'Neil to Peter Bovington
02:05:28 Sen. Juneau to Al Smith
02:08:35 Sen. Laslovich to Former Rep. Price

Closing by Sponsor:

02:12:06 Rep. Milburn

HEARING ON HB 726

Opening Statement by Sponsor:

02:16:37 **REP. DAVE GALLIK (D)**, HD 79, opened the hearing on **HB 726**, Revise animal cruelty and animal husbandry laws.

Proponents:

02:24:57 Linda Metzger for Dave Pauli, Legislative Issues,
Montana Animal Care Association

EXHIBIT(jus67a05)

02:27:29 Linda Metzger, Self
02:29:57 Gina Wiest, Lewis and Clark Human Society

EXHIBIT(jus67a06)

Opponents:

02:34:50 David Anderson, Constitution Party

Informational Testimony: None.

Questions from Committee Members and Responses:

02:42:40 Sen. O'Neil to Sen. Gallik
02:53:17 Sen. McGee to Linda Metzger

03:01:13 Sen. Curtiss to Rep. Gallik

03:06:03 Sen. Shockley to Rep. Gallik

Closing by Sponsor:

03:06:48 Rep. Gallik

HEARING ON HB 768

Opening Statement by Sponsor:

03:09:03 **REP. DAVE GALLIK (D), HD 79**, opened the hearing on **HB 768**, Revise ostensible agency.

Proponents:

03:13:13 Andrea Olsen, Montana Trial Lawyers Association

03:13:44 Mark Taylor, General Counsel, Montana Hospital Association

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

03:14:38 Rep. Gallik

EXECUTIVE ACTION ON HB 768

03:15:14 **Motion:** SEN. SHOCKLEY moved that HB 768 BE CONCURRED IN.

Discussion:

03:16:02 **Vote:** Motion carried unanimously by voice vote. SEN. MOSS, SEN. JENT, and SEN. WILLIAMS voted aye by proxy. SEN. SHOCKLEY will carry HB 768.

EXECUTIVE ACTION ON HB 310

03:17:51 **Motion:** SEN. SHOCKLEY moved that HB 310 BE CONCURRED IN AS AMENDED.

Discussion:

03:18:40 Sen. Perry to Dan McLean

03:24:11 Sen. Shockley to Dan McLean

03:27:59 Sen. Laslovich to Dan McLean

03:29:27 Sen. Shockley to Dan McLean

03:30:21 **Motion/Vote:** SEN. SHOCKLEY CALLED THE QUESTION ON HB 310. Motion carried unanimously by voice vote. SEN. MOSS, SEN. WILLIAMS, and SEN. WANZENRIED voted aye by proxy. SEN. SHOCKLEY will carry HB 310.

EXECUTIVE ACTION ON HB 587

03:31:42 **Motion:** SEN. MCGEE moved that HB 587 BE CONCURRED IN.

Discussion:

03:31:56 Sen. McGee

03:32:17 Sen. Shockley

03:32:41 **Motion/Vote:** SEN. SHOCKLEY CALLED THE QUESTION ON HB 587. Motion carried unanimously by voice vote. SEN. JENT, SEN. WILLIAMS, and SEN. WANZENRIED voted aye by proxy. SEN. PEASE will carry HB 587.

EXECUTIVE ACTION ON HB 322

03:34:32 **Motion:** SEN. MOSS moved that HB 322 BE CONCURRED IN.

Discussion:

03:34:43 Sen. Shockley

03:35:58 Sen. Juneau

03:36:44 Sen. Perry

03:36:58 Sen. Shockley

03:37:12 Sen. Laslovich

03:40:11 Sen. Shockley

03:41:07 Sen. McGee

03:46:36 Motion/Vote: SEN. MCGEE CALLED THE QUESTION ON HB 322. Motion failed 4-8 by roll call vote with SEN. CURTISS, SEN. O'NEIL, SEN. PERRY, and SEN. SHOCKLEY voting aye. SEN. WILLIAMS, and SEN. WANZENRIED voted no by proxy.

03:48:05 Motion/Vote: SEN. LASLOVICH moved that HB 322 BE TABLED AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON HB 300

03:50:44 Sen. Laslovich

03:50:55 Motion: SEN. MCGEE moved that HB 300 BE CONCURRED IN.

Discussion:

EXHIBIT(jus67a07)

03:51:48 Motion: SEN. LASLOVICH moved that HB030002.AVL BE ADOPTED.

Discussion:

03:52:46 Sen. O'Neil

03:53:08 Sen. Laslovich

03:53:31 Substitute Motion/Vote: SEN. MCGEE made a substitute motion on AMENDMENT. Substitute motion carried unanimously by voice vote. SEN. WILLIAMS, SEN. WANZENRIED, and SEN. SHOCKLEY voted aye by proxy.

03:54:20 Motion/Vote: SEN. MCGEE moved that HB 300 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote. SEN. WILLIAMS, SEN. WANZENRIED, AND SEN. SHOCKLEY voted aye by proxy. SEN. O'NEIL will carry HB 300.

ADJOURNMENT

Adjournment: 11:56 A.M.

SEN. JESSE LASLOVICH, Chairman

CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

EXHIBIT ([jus67aad.pdf](#))